THE BOMBAY SALES-TAX ACT, 1953.

CONTENTS.

PREAMBLE.

CHAPTER I.

SECTIONS. PRELIMINARY.

1. Short title, extent, commencement and duration.
2. Definitions.

CHAPTER II.

SALES-TAX AUTHORITIES AND TRIBUNAL.

3. Taxing authorities.
4. Tribunal.

CHAPTER III.

INCIDENCE AND LEVY OF TAX.

5. Incidence of tax.
6. Taxes payable by a dealer.
7. Goods free from all taxes.
8. Levy of sales tax.
9. Levy of general sales tax.
10. Levy of purchase tax.
10A. Election of dealers to pay either purchase tax or sales tax.
10B. Power to omit entries in Schedule B.
10C. Outside goods purchase tax.

CHAPTER IV.

REGISTRATION OF AND GRANT OF LICENCES AND AUTHORIZATIONS TO DEALERS.

11. Registration of dealers.
12. Licences to registered dealers.
12A. Authorization to certain dealers.

CHAPTER V.

RETURNS, ASSESSMENT, PAYMENT, RECOVERY AND REFUND OF THE TAX AND LEVY OF TAX ON PURCHASES.

SECTIONS.

13. Returns.
14. Assessment of taxes.
15. Turnover escaping assessment.
16. Payment and recovery of tax.
17. Special mode of recovery.
18. Purchase tax.
18A. Composition of tax.
18B. Rules for granting drawback, set off, refund, etc.
19. Refunds.
20. Remission of tax.
21. Prohibition against collection of tax in certain cases.

CHAPTER VI.

LIABILITY TO PRODUCE ACCOUNTS, TO SUPPLY INFORMATION AND TO PAY THE TAX IN THE CASE OF TRANSFER OF BUSINESS.

22. Accounts.
23. Production and inspection of accounts and documents, and search of premises.
24. Dealer to declare the name of manager of his business.
25. Information to be furnished regarding changes of business.
26. Tax payable by transferee of business.

CHAPTER VII.

PROCEEDINGS.

27. Power of Collector to determine disputes.
28. Powers of Tribunal and Collector.
29. Bar to certain proceedings.
30. Appeal.
31. Revision.
32. Application of sections 4 and 12 of Limitation Act, IX of 1908.
33. Extension of period of limitation in certain cases.
34. Statement of case to High Court.
35. Rectification of mistakes.

CHAPTER VIII.

OFFENCES AND PENALTIES.

SECTIONS.

36. Offences and Penalties.

37. Cognizance of offences.

38. Investigation of offences.

39. Compounding of offences.

39A. Penalty for false declaration or certificate or for not abiding by declaration or certificate furnished.

CHAPTER IX.

MISCELLANEOUS.

40. Persons appointed under section 3 and members of Tribunal to be public servants.

41. Indemnity.

42. Disclosure of information by a public servant.

43. Appearance before any authority in proceedings.

44. Delegation of powers and duties and transfer of proceedings.

45. Power to make rules.

45A. Modifications in application of Act to district of Amreli.

46. Certain sales and purchases not to be liable to tax.

47. Temporary provision excluding certain sales from taxable turnover.

48. Repeal of Bom. V of 1946.

49. Repeal of Bom. Ordinance No. III of 1952.

50. Repeal of Bom. XXIV of 1952 and Bom. XXX of 1953.

SCHEDULE A.

SCHEDULE B.

BOMBAY ACT No. III OF 1953.[1]

THE BOMBAY SALES TAX ACT, 1953.]

[*25th March 1953*]

Amended by Bom. 10 of 1954.*†

An Act to consolidate and amend the law relating to the levy of the tax on the sale or purchase of goods in the State of Bombay.

WHEREAS it is expedient to consolidate and amend the law relating to the levy of the tax on the sale or purchase of goods in the State of Bombay; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title, extent, commencement and duration.

1. (*1*) This Act may be called the Bombay Sales Tax Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force at once [2]* * * * *.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(*1*) "agriculture" with its grammatical variations includes horticulture, the raising of crops, grass or garden produce, and grazing, but does not include dairy farming, poultry farming, stock breeding and mere cutting of wood;

(*2*) "agriculturist" means a person who cultivates land personally;

[3][(*2A*) "appointed day" means the day which the State Government may appoint under sub-section (*2*) of section 1 of the Bombay Sales Tax (Amendment) Act, 1953; Bom. X of 1954.

(*2B*) "authorization" means an authorization granted under section 12A;]

(*3*) "to cultivate" with its grammatical variations and cognate expressions means to carry on any agricultural operation;

(*4*) "to cultivate personally" means to cultivate on one's own account—

(*i*) by one's own labour, or

(*ii*) by the labour of one's own family, or

(*iii*) by servants on wages payable in cash or kind but not in crop share, or by hired labour under one's personal supervision or the personal supervision of any member of one's family;

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1953, Part V, p. 146.

[2] The words, figures and letters "and shall continue in force up to the 31st day of March 1954" were deleted by Bom. 10 of 1954, s. 2.

[3] Clauses (*2A*) and (*2B*) were inserted by Bom. 10 of 1954, s. 3(*1*).

* Sub-section (*2*) of section 1 of Bom. 10 of 1954, reads as follows:—

"(*2*) This section and sections 2 and 24 shall come into force at once and the remaining sections shall come into force on such day as the State Government may, by notification in the *Official Gazette*, appoint in this behalf."

† Section 29 of Bom. 10 of 1954 reads as follows:—

Saving.

"29. Nothing in this Act shall be deemed to affect anything done before the day appointed under sub-section (*2*) of section 1 of this Act or any right acquired or any obligation or liability incurred before the aforesaid day or any legal proceedings or remedy in respect of any such right, obligation or liability or assessment levy or recovery of tax or the imposition or recovery of any penalty: and any such right, obligation, liability or remedy may be enforced and any such legal proceeding may be instituted or continued and any such tax may be assessed, levied or recovered and any such penalty may be imposed or recovered, as if sections 3 to 28 had not come into force.

Explanation I.—A person who is a widow or a minor or is subject to any physical or mental disability shall be deemed to cultivate the land personally if it is cultivated by her or his servants or by hired labour ;

Explanation II.—In the case of an undivided Hindu family the land shall be deemed to have been cultivated personally, if it is cultivated by any member of such family ;

(*5*) " Collector " means the Collector of Sales Tax appointed under section 3 ;

(*6*) " dealer " means any person who carries on the business of [1][selling or buying] goods in the State of Bombay, whether for commission, remuneration or otherwise and includes a State Government which carries on such business and any society, club or association which sells goods to [2][, or buys goods from,] its members ;

Explanation.—The manager or agent of a dealer who resides outside the State of Bombay and carries on the business of [3][selling or buying goods] in the State of Bombay shall, in respect of such business, be deemed to be a dealer for the purposes of this Act ;

Exception.—An agriculturist who sells exclusively agricultural produce grown on land cultivated by him personally shall not be deemed to be a dealer within the meaning of this clause ;

[4][(*7*) " general sales tax " means the tax leviable under section 9 ;]

(*8*) " goods " means all kinds of movable property other than newspapers, actionable claims, stocks, shares and securities, and includes all materials, articles and commodities ;

[5][(*9*) " licence " means a licence granted under section 12 ;

(*9A*) " outside goods purchase tax " means the tax leviable under section 10C ;]

(*10*) " prescribed " means prescribed by rules ;

[6][(*10A*) " purchase price " means the amount of valuable consideration payable by a person for the purchase of any goods, less any sum allowed by the seller as cash discount according to trade practice, but including any sum charged for anything done by the seller in respect of the goods at the time of or before delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged ;

(*10B*) " purchase tax " means the tax leviable under section 10 ;]

(*11*) " registered dealer " means a dealer registered under [7][section 11] ;

(*12*) " rules " means rules made under this Act ;

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[1] These words were substituted for the word " selling " by Bom. 10 of 1954, s. 3 (*2*) (*a*).
[2] These words were inserted, *ibid*, s. 3 (*2*) (*b*).
[3] These words were substituted for the words " selling goods ", *ibid*, s. 3 (*3*).
[4] Clause (*7*) was substituted for the original, *ibid*, s. 3 (*4*).
[5] Clauses (*9*) and (*9A*) were substituted for clause (*9*), *ibid*, s. 3 (*5*).
[6] Clauses (*10A*) and (*10B*) were inserted, *ibid*, s. 3 (*6*).
[7] The word and figures were substituted for the word and figure " section 9 ", *ibid*, s. 3 (*7*).

(*13*) "sale" means a sale of goods made within the State of Bombay for cash or deferred payment or other valuable consideration and includes any supply by a society or club or an association to its members on payment of price or on fees or subscription, but does not include a mortgage, hypothecation, charge or pledge; the words "sell", "buy" and "purchase" with all their grammatical variations and cognate expressions shall be construed accordingly;

Explanation.—Notwithstanding anything contained in the Indian Sale of Goods Act, 1930, [1][the sale or purchase] of any goods which have actually been delivered in the State of Bombay as a direct result of [2][such sale or purchase] for the purpose of consumption in the said State, shall be deemed for the purposes of this Act to have taken place in the said State, notwithstanding the fact that the property in the goods has, by reason of [2][such sale or purchase] passed in another State;

III of 1930.

(*14*) "sale price" means the [3][amount of valuable consideration payable to a dealer] for the sale of any goods, less any sum allowed as cash discount according to trade practice, but including any sum charged for anything done by the dealer in respect of goods at the time of or before delivery thereof, other than the cost of freight or delivery or the cost of installation when such cost is separately charged;

[4][(*14A*) "sales tax" means the tax leviable under section 8;]

(*15*) "Schedule" means a schedule appended to this Act;

[5]* * * * * *

[6]* * * * * *

[7][(*18*) "tax" means the sales tax, general sales tax, purchase tax or outside goods purchase tax payable under this Act;]

(*19*) "Tribunal" means the Tribunal constituted under section 4;

[8][(*19A*) "turnover of purchases" means the aggregate of the amounts of purchase price paid and payable by a dealer in respect of any purchase of goods made by him during a given period, after deducting the amount, if any, refunded to the dealer by the seller in respect of any goods purchased from the seller and returned to him within the prescribed period;]

(*20*) "[9][turnover of sales]" means the aggregate of the amounts of sale price received and receivable by a dealer in respect of any sale of goods made during a given period after deducting the amount, if any, refunded by the dealer to a purchaser, in respect of any goods purchased and returned by the purchaser within the prescribed period; and.

(*21*) "year" means the financial year.

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[1] These words were substituted for the words "the sale" by Bom. 10 of 1954, s. 3 (*8*).
[2] These words were substituted for the words "such sale", *ibid.*
[3] These words were substituted for the words "amount payable to a dealer as valuable consideration", *ibid*, s. 3 (*9*).
[4] Clause (*14A*) was inserted, *ibid*, s. 3 (*10*).
[5] Clause (*16*) was deleted, *ibid*, s. 3 (*11*).
[6] Clause (*17*) was deleted, *ibid.*
[7] Clause (*18*) was substituted for the original, *ibid*, s. 3 (*12*).
[8] Clause (*19A*) was inserted, *ibid*, s. 3 (*13*).
[9] These words were substituted for the word "turnover", *ibid*, s. 3 (*14*).

CHAPTER II.

Sales-tax Authorities and Tribunal.

Taxing Authorities.

3. (*1*) For carrying out the purposes of this Act the State Government may appoint any person to be a Collector of Sales Tax, and such other persons to assist him as the State Government thinks fit.

(*2*) A person appointed under sub-section (*1*) shall, within the limits of the area specified to be within his jurisdiction, exercise such powers as may be conferred and perform such duties as may be imposed on him by or under this Act.

Tribunal.

4. (*1*) The State Government shall constitute a Tribunal to exercise the functions conferred on it by or under this Act.

(*2*) The Tribunal shall consist of not more than three persons possessing such qualifications as may be prescribed.

(*3*) Where the Tribunal consists of three members, any two members of the Tribunal shall form the quorum for the disposal of its business.

(*4*) Any vacancy in the membership of the Tribunal shall be filled up by the State Government as soon as practicable.

(*5*) Subject to the previous sanction of the State Government, the Tribunal shall frame regulations consistent with the provisions of this Act and the rules for regulating its procedure and the disposal of its business.

(*6*) The regulations made under sub-section (*5*) shall be published in the *Official Gazette*.

[1]CHAPTER III.

Incidence and levy of tax

Incidence of tax.

5. (*1*) Every dealer whose turnover either of all sales or of all purchases made during—

(*a*) the year ending on the 31st March 1954,

or

(*b*) the year commencing on the 1st April 1954,

has exceeded or exceeds—

(*i*) in the case of a dealer who brings any goods into the State of Bombay or to whom any goods are despatched from any place outside the State of Bombay whether by land, water or air, Rs. 10,000 provided that the aggregate value of the goods so brought or despatched during the said period is not less than Rs. 2,500;

(*ii*) in the case of a dealer who produces, collects, extracts, manufactures or processes any goods, Rs. 10,000, provided that the value of the goods produced, collected, extracted, manufactured or processed during the said period is not less than Rs. 2,500;

(*iii*) in the case of any other dealer Rs. 25,000

shall be liable to pay the tax under this Act on his turnover of sales and his turnover of purchases made on or after the appointed day:

Provided that a dealer to whom clause (*a*) does not apply but clause (*b*) applies shall not be liable to pay the tax in respect of such sales and purchases as take place up to the time when his turnover of sales as computed from the 1st April 1954 first exceeds the above limits or his turnover of purchases so computed first exceeds the above limits whichever event occurs earlier.

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[1] Chapters III and IV were substituted for the original by Bom. 10 of 1954, s. 4.

(*2*) Every dealer to whom sub-section (*1*) does not apply shall, subject to the provisions of sub-section (*5*), be liable to pay the tax under this Act with effect from the first day of April of the year during which either his turnover of sales or his turnover of purchases first exceeds the limits specified in sub-section (*1*).

(*3*) Every dealer who has become liable to pay the tax under this Act shall continue to be so liable until the cancellation of his registration under sub-section (*6*) of section 11, and upon such concellation his liability to pay the tax shall cease.

(*4*) Every dealer whose liability to pay the tax under this Act has ceased under the provisions of sub-section (*3*) shall, subject to the provisions of sub-section (*5*), again become liable to pay the tax under this Act with effect from the first day of April of the year during which either his turnover of sales or his turnover of purchases again exceeds the limits specified in sub-section (*1*).

(*5*) A dealer to whom sub-section (*2*) or sub-section (*4*) applies shall not be liable to pay the tax during the year specified in that sub-section in respect of such sales and purchases as take place up to the time when his turnover of sales during the said year first exceeds the limits specified in sub-section (*1*), or his turnover of purchases during the said year first exceeds the said limits, whichever event occurs earlier.

Taxes payable by a dealer.

6. (*1*) Subject to any rules made under section 18B there shall be paid by every dealer who is liable to pay tax under this Act—

(*a*) a sales tax on his sales levied in accordance with the provisions of section 8,

(*b*) a general sales tax on his sales levied in accordance with the provisions of section 9, and

(*c*) a purchase tax on his purchases levied in accordance with the provisions of section 10.

(*2*) The tax payable by a dealer under any clause of sub-section (*1*) shall be paid in addition to the tax or taxes, if any, payable by such dealer under any other clause or clauses of the said sub-section.

Goods free from all taxes.

7. (*1*) No tax under this Act shall be payable on the sales or purchases of goods specified in column 1 of Schedule A, subject to the conditions or exceptions, if any, set out in the corresponding entry in column 2 thereof.

(*2*) The State Government may, by notification published in the *Official Gazette*, add to or enlarge any entry in Schedule A or relax or omit any of the conditions or exceptions specified therein and thereupon the said Schedule shall be deemed to have been amended accordingly.

Levy of sales tax.

8. Subject to the provisions of section 7, there shall be levied a sales tax on the turnover of sales of goods specified in column 1 of Schedule B at the rate, if any, specified against them in column 2 of the said Schedule, after deducting from such turnover—

(*a*) sales of goods—

(*i*) which have been purchased from a registered dealer on or after the appointed day, or

(*ii*) on the purchase of which the dealer has paid or is liable to pay the purchase tax :

Provided that the goods have not been processed or altered in any manner after such purchase ;

(*b*) sales of goods to a dealer who holds an authorization and furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for being despatched by him, or by registered dealers to whom he sells the goods, to an address outside the State of Bombay:

Provided that—

(*i*) where a certificate has been furnished under this clause in respect of any goods, the purchasing dealer shall not be entitled to claim a deduction under this clause in respect of his sale of the said goods; and

(*ii*) where any goods to which this clause applies are not shown to the satisfaction of the Collector to have been despatched by the purchasing dealer, or by a person to whom he has sold the goods, to an address outside the State of Bombay within a period of six months from the date of purchase by the dealer furnishing the certificate, the said dealer shall be liable to pay a purchase tax under clause (*b*) of section 10 on the purchase of such goods;

Explanation.—For the purpose of this section a purchase of goods shall not include any purchase which is not liable to tax by virtue of the provisions of section 46.

Levy of general sales tax.

9. Subject to the provisions of section 7, there shall be levied a general sales tax on the turnover of sales of goods specified in column 1 of Schedule B at the rates, if any, specified against them in column 3 of the said Schedule:

Provided that—

(*1*) no general sales tax shall be levied on the sales of goods to a dealer who holds a licence and furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for resale by him;

(*2*) no general sales tax shall be levied on the sales of any goods other than those specified in entries 1 to 18 (both inclusive) of Schedule B to a dealer who holds a licence and furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for use by him, in the prescribed manner, in the manufacture or processing of any goods for sale; and

(*3*) the rate of general sales tax leviable on the sale of any goods specified in entries 9 to 18 (both inclusive) of Schedule B to a registered dealer who furnishes to the selling dealer a certificate in the prescribed form declaring *inter alia* that the goods so sold to him are intended for use by him, in the prescribed manner, in the manufacture or processing of any goods for sale shall be three pies in the rupee.

Explanation.—For the purpose of the certificates under this section the word "sale" or "resale" includes a sale which does not take place within the State of Bombay.

Levy of purchase tax.

10. Subject to the provisions of section 7, there shall be levied a purchase tax on the turnover of purchases of goods specified in column 1 of Schedule B, at the rates, if any, specified against such goods in column 4 of the said Schedule,—

(*a*) where such goods are purchased from a person who is not a registered dealer;

(*b*) where a certificate under clause (*b*) of section 8 has been furnished in respect of such goods and the purchasing dealer does not show to the satisfaction of the Collector that the goods have been despatched by him or by a person to whom he has sold the goods to an address outside the State of Bombay within a period of six months from the date of purchase by the dealer furnishing such certificate:

Provided that no purchase tax shall be levied under clause (*a*) on the purchase of any goods specified in entries 1 to 18 (both inclusive) of Schedule B if such goods are sold by the dealer after such purchase.

Election of dealers to pay either purchase tax or sales tax.

10A. (*1*) Notwithstanding anything contained in section 8 or 10, a registered dealer who is liable to pay the purchase tax under clause (*a*) of section 10 on the purchases of goods (hereinafter called the said goods) may elect to pay either (*a*) the purchase tax on such purchases or (*b*) the sales tax, if any on the sale of the said goods when they are sold without being processed or altered in any manner. If he elects to pay the purchase tax on the purchase of the said goods, he shall not be liable to pay the sales tax on the sale of the said goods and if he elects to pay the sales tax on the sale of the said goods, he shall not be liable to pay the purchase tax, on the purchase of the said goods.

(*2*) Such election shall be made by an application to the Collector in the prescribed form and manner and within the prescribed period.

(*3*) The election so made shall take effect from the date on which the application is received by the Collector and shall be in force and shall not be revoked until the dealer ceases to be liable to pay the tax.

Explanation.—For the purpose of sub-section (*1*) a sale of goods shall include a sale which does not take place within the State of Bombay.

Power to omit entries in Schedule B.

10B. The State Government may, by notification published in the *Official Gazette*, omit from Schedule B any of the entries or part thereof except entries 1 to 24 (both inclusive) or reduce the rate of tax specified in column 2, 3 or 4 of the said Schedule in respect of any of the entries of the said Schedule or part thereof.

Outside goods purchase tax.

10C. In the case of such goods as may be specified by the State Government by notification in the *Official Gazette* from time to time, which have been despatched or brought from any place in India outside the State of Bombay and are actually delivered as a direct result of a purchase to a buyer in the State of Bombay for consumption therein, there shall be paid by such buyer on such purchase an outside goods purchase tax levied at such rate not exceeding twenty-one pies in the rupee as may be specified in such notification, unless the buyer produces a declaration made by the seller of such goods in the prescribed form certifying that the seller is a registered dealer and shall pay the tax on such sale in due course :

Provided that no such tax shall be levied on the purchase of any goods by a registered dealer if after the purchase the goods are sold by him or used by him in the prescribed manner in the manufacture or processing of any goods for sale.

Chapter IV.

Registration of and grant of licences and authorizations to dealers.

Registration of dealers.

11. (*1*) No dealer shall while being liable to pay tax under this Act carry on business as a dealer unless he has applied for registration within such period as may be prescribed :

Provided that for the purpose of this sub-section the turnover of sales and the turnover of purchases shall be calculated without excluding any sale or purchase on which no tax may be payable under the provisions of this Act.

(*2*) Every dealer required by sub-section (*1*) to apply for registration shall make an application in that behalf in the prescribed manner to the prescribed authority.

(*3*) If the prescribed authority is satisfied that an application for registration is in order, it shall, in accordance with such rules as may be made for this purpose register the applicant and grant him a certificate of registration in the prescribed form.

(*4*) The prescribed authority may, from time to time, amend any certificate of registration after considering the information furnished under section 25 or otherwise received.

(*5*) When any dealer has been convicted under section 36 or has paid composition money under section 39 in respect of any contravention of sub-section (*1*), the prescribed authority shall register such dealer and grant him a certificate of registration and such registration shall take effect as if it had been made under sub-section (*3*) on the dealer's application.

(*6*) When—

(*a*) any business in respect of which a certificate has been granted under this section has been discontinued or transferred, or

(*b*) in the case of a dealer, neither his turnover of sales nor his turnover of purchases has during any year exceeded the limits specified in sub-section (*1*) of section 5 and the dealer has applied in the prescribed manner for cancellation of his registration,

the prescribed authority shall cancel the registration with effect from the prescribed date.

(*7*) Every dealer whose registration under this Act was in force immediately before the appointed day shall, notwithstanding anything contained in sub-section (*2*), be deemed to be duly registered under sub-section (*3*) for such period not exceeding six months from the appointed day as may be prescribed.

Licences to registered dealers.

12. (*1*) A registered dealer, whose turnover of sales during the previous or current year has exceeded Rs. 50,000 and who satisfies such further requirements as may be prescribed, may obtain a licence from the Collector for the purpose of section 9 and such licence shall be granted in such manner and in such form and subject to such conditions as may be prescribed.

(*2*) The Collector shall cancel the licence if the registration of the holder is cancelled or his turnover of sales during any year fails to exceed Rs. 50,000.

(*3*) If the holder of a licence granted under sub-section (*1*) fails to pay any tax including penalty payable by him under this Act or contravenes any of the provisions of this Act, the Collector may, after giving such holder a reasonable opportunity of being heard, suspend such licence for such period as may be necessary or cancel the same.

(*4*) The Collector may refuse to grant a licence to a dealer,—

(*a*) if the licence granted to such dealer has been cancelled,

(*b*) during the period of suspension of his licence, if it has been suspended at any time, or

(*c*) if such dealer,

(i) has failed to pay any tax including penalty payable by him under the Bombay Sales Tax Act, 1946, the Bombay Sales Tax (No. 2) Ordinance, 1952, or this Act,

Bom. V of 1946. Bom. Ordinance No. III of 1952.

(ii) has failed without sufficient cause to furnish any return required under any of the said Acts or Ordinance, or

(iii) is convicted of any offence punishable under any of the said Acts or Ordinance.

(*5*) The Collector may also refuse to grant a licence to any person to whom the business of such dealer has been transferred.

Explanation.—For the purpose of this section the turnover of sales shall not include any sales of goods delivered in the State of Bombay to a person who is not a registered dealer but shall include sales of goods which do not take place within the State of Bombay.

Authorization to certain dealers.

12A. (*1*) The Collector may, on application, grant an authorization to any registered dealer whose turnover of sales of goods—

(*i*) exported by him outside the territory of India or despatched by him to an address at any place in India outside the State of Bombay, and

(*ii*) sold by him to a registered dealer and exported by such dealer outside the territory of India or despatched by such dealer to an address at any place in India outside the State of Bombay,

has during the previous or current year exceeded Rs. 50,000 and who satisfies such further requirements as may be prescribed.

(*2*) Such authorization shall be granted in such manner and in such form and subject to such conditions as may be prescribed and shall be renewable from year to year.

(*3*) The Collector shall cancel the authorization if the registration of the holder is cancelled or his turnover of sales specified in sub-section (*1*) during any year fails to exceed Rs. 50,000.

(*4*) If the holder of an authorization fails to pay any tax including penalty payable by him under this Act or contravenes any of the provisions of this Act, the Collector may, after giving such holder a reasonable opportunity of being heard, suspend such authorization for such period as may be necessary or cancel the same.

(*5*) The Collector may refuse to grant an authorization to a dealer,—

(*a*) if the authorization granted to such dealer has been cancelled,

(*b*) during the period of suspension of his authorization, if it has been suspended at any time, or

(*c*) if such dealer,

Bom. V of 1946. Bom. Ordinance No. III of 1952.

(*i*) has failed to pay any tax including penalty payable by him under the Bombay Sales Tax Act, 1946, the Bombay Sales Tax (No. 2) Ordinance, 1952, or this Act,

(*ii*) has failed without sufficient cause to furnish any return required under any of the said Acts or Ordinance, or

(*iii*) is convicted of any offence punishable under any of the said Acts or Ordinance.

(*6*) The Collector may also refuse to grant an authorization to any person to whom the business of such dealer has been transferred.

Explanation.—For the purpose of this section the turnover of sales shall include sales of goods which do not take place within the State of Bombay.]

CHAPTER V.

Returns, assessment, payment, [1][*recovery, composition and refund of tax.*]

Returns.

13. (*1*) [2][(*a*) Every registered dealer, and

(*b*) any other dealer whose turnover of sales or turnover of purchases the Collector has reason to believe is likely to exceed the limits specified in sub-section (*1*) of section 5, if required so to do by the Collector by notice served in the prescribed manner,

shall furnish] such returns by such dates and to such authority as may be prescribed :

Provided that the Collector may, subject to such terms and conditions as may be prescribed, permit any dealer required to furnish returns under this section, to furnish them for such different periods as he may direct.

[3][(*1A*) If in consequence of any information which has come into his possession, the Collector is satisfied that either the turnover of sales or the turnover of purchases of any dealer has, during any year, exceeded or is likely to exceed—

(*a*) Rs. 8,000, in the case of a dealer falling under clause (*i*) or (*ii*) of sub-section (*1*) of section 5 ;

(*b*) Rs. 20,000, in the case of any other dealer,

he may by notice served in the prescribed manner require such dealer to furnish returns as if he were a dealer liable to pay tax, but no tax shall be payable by such dealer otherwise than in accordance with the provisions of this Act.]

(*2*) If any dealer having furnished returns under sub-section (*1*) discovers any omission or wrong statement therein, he may furnish a revised return before the expiry of three months next following the period to which such return relates.

Assessment of taxes.

14. (*1*) The amount of the tax due from a registered [4]* * * * dealer shall be assessed separately for each year during which he is liable to pay the tax :

Provided that when a dealer has failed to furnish any return relating to any period in a year by the prescribed date, the Collector may, if he thinks fit, assess the tax due from such dealer separately for different parts of such year :

Provided further that the Collector may, subject to such conditions as may be prescribed, and for reasons to be recorded in writing, assess the tax due from any dealer during a part of a year.

(*2*) If the Collector is satisfied without requiring the presence of a dealer or the production by him of any evidence that the returns furnished in respect of any period are correct and complete, he shall assess the amount of the tax due from the dealer on the basis of such returns.

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[1] These words were substituted for the words "recovery and refund of the tax and levy of tax on purchases" by Bom. 10 of 1954, s. 5.

[2] This portion was substituted for the words beginning with the words "Every registered dealer" and ending with the words "shall furnish", *ibid*, s. 6 (*1*).

[3] Sub-section (*1-A*) was inserted, *ibid*, s. 6 (*2*).

[4] The words "or a licensed" were deleted, *ibid*, s. 7 (*1*).

(*3*) (*a*) If the Collector is not satisfied without requiring the presence of a dealer who has furnished his returns or the production of evidence that the returns furnished in respect of any period are correct and complete, he shall serve on such dealer a notice in the prescribed manner requiring him, on a date and at a place specified therein either to attend in person or to produce or to cause to be produced any evidence on which such dealer may rely in support of such returns or such other evidence as may be specified in such notice.

(*b*) On the date specified in the notice or as soon afterwards as may be, the Collector shall, after considering such evidence as the dealer may produce and such other evidence as the Collector may require on specified points, assess the amount of the tax due from the dealer.

(*4*) If a dealer having furnished returns in respect of a period fails to comply with the terms of the notice issued under sub-section (*3*), the Collector shall assess to the best of his judgment, the amount of the tax due from the dealer.

(*5*) If a dealer does not furnish returns in respect of any period by the prescribed date, the Collector shall, after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of the tax, if any, due from the dealer.

(*6*) If upon information which has come into his possession, the Collector is satisfied that any dealer has been liable to pay the tax in respect of any period but has failed to apply for registration [1]* * , the Collector shall, after giving the dealer a reasonable opportunity of being heard, assess to the best of his judgment, the amount of the tax, if any, due from the dealer in respect of such period and all subsequent periods.

(*7*) In cases where the Collector, while making an assessment under sub-section (*6*), is satisfied that the dealer has wilfully failed to apply for registration [2]* * * *, the Collector may direct the dealer to pay by way of penalty, in addition to the amount of the tax assessed under sub-section (*6*), a sum not exceeding one and half times that amount.

(*8*) Any assessment made under this section shall be without prejudice to any prosecution for an offence under this Act.

Turnover escaping assessment.

15. If in consequence of any information which has come into his possession the Collector is satisfied that any turnover in respect of [3][sales or purchases] of any goods chargeable to the tax has escaped assessment in any year or has been under-assessed or assessed at a lower rate or any deductions have been wrongly made therefrom, the Collector may, in any case where he has reason to believe that the dealer has concealed the particulars of such [3][sales or purchases] or has knowingly furnished incorrect returns, at any time within five years, and in any other case, at any time within three years, of the end of that year, serve on the dealer liable to pay the tax in respect of such turnover a notice containing all or any of the requirements which may be included in a notice under sub-section (*3*) of section 14 and may proceed to assess or re-assess the amount of the tax due from such dealer and the provisions of this Act shall apply accordingly as if the notice were a notice served under that sub-section :

[1] The words "or licence" were deleted by Bom. 10 of 1954, s. 7 (*2*).
[2] The words "or for the grant of a licence" were deleted, *ibid*, s. 7 (*3*).
[3] These words were substituted for the word "sales", *ibid*, s. 8.

Provided that the amount of the tax shall be assessed after making the deductions permitted from time to time under the Bombay Sales Tax Act, 1946, the Bombay Sales Tax (No. 2) Ordinance, 1953, and this Act, as the case may be, at the rates at which it would have been assessed had the turnover not escaped assessment or full assessment, as the case may be:

Bom. V of 1946. Ordinance No. III of 1953.

Provided further that where in respect of such turnover or deduction, as the case may be, an order has already been passed under section 30 or section 31, the Collector shall make a report to the appropriate appellate or revising authority, as the case may be, which shall thereupon after giving the dealer concerned a reasonable opportunity of being heard, pass such order as it deems fit.

Payment and recovery of tax.

16. (*1*) The tax shall be paid in the manner hereinafter provided at such intervals as may be prescribed.

(*2*) Before any registered [1]* * dealer furnishes the returns required by sub-section (*1*) of section 13, he shall, in the prescribed manner, pay into a Government treasury the full amount of the tax due from him according to such returns.

(*3*) Before any registered dealer [2]* * * furnishes a revised return in accordance with sub-section (*2*) of section 13 which shows a greater amount of tax to be due than was payable in accordance with the original return, he shall pay into a Government treasury the extra amount of the tax.

(*4*) If the tax is not paid by any dealer within the prescribed time, the dealer shall pay, by way of penalty in addition to the amount of tax, [3][a sum equal to—

(*i*) one per cent. of the amount of tax for each month for the first three months after the expiry of the prescribed time, and

(*ii*) two and one-half per cent. for each month subsequent to the first three months as aforesaid

during which he continues to make default in the payment of the tax :]

Provided that where the tax has not been paid by any dealer within the prescribed time but the dealer has filed an appeal or an application for revision in respect of such tax, the authority hearing the appeal or the application for revision may direct that the penalty in respect of any period shall be paid at such rate as it may think fit, the rate being not less than one per cent. and not more than two and one-half per cent. of the amount of tax for each month :

Provided further that the Collector may, subject to such conditions as may be prescribed, remit the whole or part of the amount of the penalty payable by a dealer in respect of any period under this sub-section.]

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[1] The words " or licensed " were deleted by Bom. 10 of 1954, s. 9 (*1*).
[2] The words " or licensed dealer " were deleted, *ibid*, s. 9 (*2*).
[3] This portion was substituted for the words beginning with the words " a sum equal to " and ending with the words " payment of the tax ", *ibid*, s. 9 (*3*).

(*5*) (*i*) The amount of tax—

(*a*) due where the returns are furnished without full payment thereof, or
(*b*) assessed for any period under section 14 or under section 15 less the sum, if any, already paid by the dealer in respect of such period, or

(*ii*) the amount of the penalty payable under sub-section (*4*),

shall be paid by the dealer into a Government treasury by such date as may be specified in a notice issued by the Collector for this purpose and the date to be so specified shall be not less than thirty days from the date of service of such notice :

Provided that the Collector may, in respect of any particular dealer and for reasons to be recorded in writing, extend the date of such payment or allow such dealer to pay the tax due and the penalty, if any, by instalments.

(*6*) Any amount of the tax together with the penalty, if any, which remains unpaid after the date specified in the notice issued under sub-section (*5*) shall be recoverable as an arrear of land revenue.

Special mode of recovery.

17. (*1*) Notwithstanding anything contained in any law or contract to the contrary, the Collector may, at any time or from time to time, by notice in writing, a copy of which shall be forwarded to the dealer at his last address known to the Collector, require—

(*a*) any person from whom any amount is due or may become due to a dealer on whom a notice has been served under sub-section (*5*) of section 16, or

(*b*) any person who holds or may subsequently hold money for or on account of such dealer,

to pay to the Collector, either forthwith upon the money becoming due or being held, or at or within the time specified in the notice (not being before the money becomes due or it is held), so much of the money as is sufficient to pay the amount due by the dealer in respect of arrears of the tax and penalty under this Act or the whole of the money when it is equal to or less than that amount.

Explanation.—For the purposes of this sub-section, the amount due to a dealer or money held for or on account of a dealer by any person shall be computed after taking into account such claims, if any, as may have fallen due for payment by such dealer to such person and as may be lawfully subsisting.

(*2*) The Collector may at any time or from time to time amend or revoke any such notice or extend the time for making any payment in pursuance of the notice.

(*3*) Any person making any payment in compliance with a notice under this section shall be deemed to have made the payment under the authority of the dealer and the receipt of the Collector shall constitute a good and sufficient discharge of the liability of such person to the extent of the amount referred to in the receipt.

(*4*) Any person discharging any liability to the dealer after receipt of the notice referred to in this section shall be personally liable to the Collector to the extent of the liability discharged or to the extent of the liability of the dealer for tax and penalties, whichever is less.

(*5*) Where a person to whom a notice under this section is sent proves to the satisfaction of the Collector that the sum demanded or any part thereof is not due to the dealer or that he does not hold any money for or on account of the dealer, then, nothing contained in this section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, to the Collector.

(*6*) Any amount of money which a person is required to pay to the Collector or for which he is personally liable to the Collector under this section shall, if it remains unpaid, be recoverable as an arrear of land revenue.

[6][Payment and recovery of outside goods purchase tax.]

18. [1][(*1*)] Every buyer to whom [2][section 10C] applies, shall furnish the prescribed authority with a statement in the prescribed form within the prescribed time regarding [3][his purchases to which section 10C applies] and shall also pay the tax in the prescribed manner, or produce a declaration of the seller, if any.

[4][(*2*)] The provisions of sub-sections (*5*) and (*6*) of section 16, and the provisions of section 17 shall apply to any amount of the tax payable under [5][section 10C].

Composition of tax.

[7][**18A.** The Collector may in such circumstances and subject to such conditions as may be prescribed permit any dealer to pay in lieu of the amount of tax leviable from him under section 8, 9, 10 or 10A in respect of any period, a lump sum by way of composition determined in the prescribed manner.

Rules for granting drawback, set-off, refund, etc.

18B. (*1*) The State Government may by rules provide that—

(*a*) the tax leviable under section 8, 9, 10 or 10A shall not be payable in respect of any specified class of sales or purchases;

(*b*) a drawback, set-off or refund of the whole or part of the tax leviable on any class of sales or purchases under section 8, 9, 10 or 10A shall be granted to the purchasing dealer in such circumstances and subject to such conditions as may be specified;

(*c*) the sale price or purchase price shall in the case of any class of sales or purchases be reduced for the purpose of levy of tax under section 8, 9, 10 or 10A to such extent and in such manner as may be specified.

(*2*) Any rules made under sub-section (*1*) shall provide that in the case of a registered dealer who manufactures or processes any goods for sale there shall be set off against the sales tax payable by him under section 8, the excess, if any, of the amount mentioned in clause (I) below over the amount mentioned in clause (II) below :—

(I) The aggregate of the sums—

(*i*) recovered from the dealer by other registered dealers by way of—

(*a*) general sales tax on the purchase of goods specified in entries 1 to 18 (both inclusive) of Schedule B, and

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[1] Sub sectin (*1*) was deleted and Sub-section (*2*) was renumbered as sub-section (*1*) by Bom. 10 of 1954, s. 10 (*1*) and (*2*).
[2] These words were substituted for the words " sub-section (*1*) ", *ibid*, s. 10 (*2*) (*i*).
[3] These words were substituted for the words " such purchases by him ", *ibid*, s. 10 (*2*) (*ii*).
[4] Sub-section (*3*) was renumbered as sub-section (*2*), *ibid*, s. 10 (*3*).
[5] These words, figures and letter were substituted for the words " this section ", *ibid*.
[6] Marginal note was substituted for the original, *ibid*, s. 10 (*4*).
[7] Sections 18A and 18B were inserted, *ibid*, s. 11.

(*b*) sales tax on the purchase of goods specified in entries 19 to 22 (both inclusive) and 25 to 80 (both inclusive) of Schedule B, and

(*ii*) payable as purchase tax under clause (*a*) of section 10 on the purchase of such goods by the dealer:

Provided that such goods have been used in the prescribed manner in the manufacture or processing of any goods specified in entries 19 to 22 (both inclusive) and 25 to 80 (both inclusive) of Schedule B for sale.

(II) Three pies in the rupee on the aggregate of the sale prices of goods which have been so manufactured or processed, where,—

(*i*) the sale is not liable to tax by virtue of the provisions of section 46; or

(*ii*) the dealer has claimed a deduction under clause (*b*) of section 8 in respect of the sale.]

Refunds.

19. The Collector shall, in the prescribed manner, refund to a [1][person] applying in this behalf any amount of the tax paid by such [1][person] in excess of the amount due from him either by cash payment or, at the option of the [1][person] by deduction of such excess from the amount of the tax due in respect of any other period:

Provided that no claim to refund of the tax paid shall be allowed unless it is made within 24 months from the date on which the order of assessment was passed or within 12 months of the final order passed on appeal, revision, or reference in respect of the order of assessment, whichever period is later:

Provided further that the Collector shall first apply the excess paid in respect of any period towards the recovery of any amount in respect of which a notice under sub-section (*5*) of section 16 may have been issued and shall then refund the balance remaining, if any.

Remission of tax.

20. The Collector may, subject to such conditions as may be prescribed, remit the whole or part of the amount of the tax payable in respect of any period by any registered [2]* * dealer who has suffered financially on account of riots or through natural calamities:

Provided that if the amount to be remitted exceeds Rs. 2,000 the remission shall not be made without the previous sanction of the State Government.

Prohibition against collection of tax in certain cases.

21. (*1*) No person shall collect any amount by way of [3][sales tax or general sales tax] in respect of sales of any goods which are declared, from time to time, under [4][section 7] as sales on which such tax is not payable.

(*2*) No person selling any goods shall collect, from the purchaser any amount by way of the tax unless [5][such person] is a registered dealer [6] * * * and is liable to pay the tax in respect of such sale:

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[1] This word was substituted for the word "dealer" by Bom. 10 of 1954, s. 12.
[2] The words "or licensed" were deleted, *ibid*, s. 13.
[3] These words were substituted for the words "general tax", *ibid*, s. 14 (*1*) (*a*).
[4] The word and figure were substituted for the word and figure "section 8", *ibid*, s. 14 (*1*) (*b*).
[5] The words were substituted for the word "he", *ibid*, s. 14 (*2*).
[6] The words "or a licensed dealer" were deleted, *ibid*.

Provided that this sub-section shall not apply in cases where a person is required to collect such amount of the tax separately in order to comply with the conditions and restrictions imposed on him under the provisions of any law for the time being in force.

[1][(*2A*) Notwithstanding anything contained in sub-section (*2*) a dealer who has been permitted by the Collector to pay a lump sum by way of composition under section 18A shall not collect any amount by way of sales tax or general sales tax, as the case may be, on the sales of goods if made during the period to which such composition applies.]

[2][(*3*) Every registered dealer whose turnover of sales exceeds Rs. 60,000 in any year shall in respect of all goods sold by him and any other registered dealer shall in respect of any goods sold by him to a registered dealer, issue a bill or cash memorandum to the purchaser, signed and dated by him or his servant, manager or agent, showing such particulars as may be prescribed and shall keep the counterfoil or duplicate of such bill or cash memorandum duly signed and dated and preserve it for a period of not less than three years from such date.]

(*4*) If any person collects any amount by way of the tax in contravention of the provisions of sub-section (*1*) or (*2*) or if any registered dealer [3]* * * * collects any amount by way of the tax in excess of the amount payable by him, the amounts so collected shall, without prejudice to any prosecution that may be instituted against such person or dealer for any offence under this Act, be forfeited to the State Government and such person or dealer, as the case may be, shall, within the prescribed period, pay such amount into a Government treasury and in default of such payment, the amount shall be recovered as an arrear of land revenue.

(*5*) If any person to whom sub-section (*3*) applies contravenes the provisions of the said sub-section, then he shall be liable to a fine equal to double the amount of the bill or cash memorandum in respect of which such contravention has occurred or Rs. 100, whichever is less.

CHAPTER VI.

Liability to produce accounts, to supply information and to pay the tax in the case of transfer of business.

Accounts.

22. (*1*) Every registered dealer [4][or] person liable to pay the tax and every other dealer who is required so to do by the Collector by notice served in the prescribed manner shall keep a true account of the value of the goods bought and sold by him, and if the Collector considers that such account is not sufficiently clear and intelligible to determine whether or not such dealer or any person is liable to pay the tax during any period, or to make a proper scrutiny of the returns or statement furnished by him, the Collector may require such dealer or person by notice in writing to keep such accounts (including records of sales or purchases) necessary for the purposes of proper assessment as he may, subject to anything that may be prescribed in that behalf, in writing direct.

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[1] Sub-section (*2A*) was inserted by Bom. 10 of 1954, s. 14 (*3*).
[2] This sub-section was substituted for the original, *ibid*, s. 14 (*4*).
[3] The words " or licensed dealer " were deleted, *ibid*, s. 14 (*5*).
[4] This word was substituted for the words " and every licensed dealer or any ", *ibid*, s. 15.

(*2*) The Collector may, subject to such conditions or restrictions as may be prescribed in this behalf, by notice in writing direct any dealer or by notification in the *Official Gazette* direct any class of dealers to maintain accounts and records showing the details regarding their purchases, sales or deliveries of goods in such form and in such manner as may be specified by him.

Production and inspection of accounts and documents, and search of premises.

23. (*1*) The Collector may, subject to such conditions as may be prescribed require any dealer to produce before him any accounts or documents, or to furnish any information, relating to the stocks of goods of, or purchases, sales and deliveries of goods, by the dealer or any other information, relating to his business as may be necessary for the purposes of this Act.

(*2*) All accounts, registers and documents relating to the stocks of goods of, or purchases, sales and deliveries of goods by, any dealer and all goods kept in any place of business or warehouse of any dealer shall at all reasonable times be open to inspection by the Collector and the Collector may take or cause to be taken such copies or extracts therefrom as appear to him necessary for the purposes of this Act.

(*3*) If the Collector has reason to suspect that any dealer is attempting to evade the payment of any tax due from him, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of the dealer as may be necessary, and shall grant a receipt for the same, and shall retain the same only for so long as may be necessary for examination thereof or for a prosecution.

(*4*) For the purposes of sub-section (*2*) or sub-section (*3*), the Collector may enter and search any place of business or warehouse of any dealer or any other place where Collector has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers, or documents of his business or stocks of goods relating to his business.

(*5*) The provisions of sub-sections (*1*) to (*4*) shall also apply *mutatis mutandis* in the case of persons liable to pay the tax under [1][section 10C].

Dealer to declare the name of manager of his business.

24. Every dealer, who is liable to pay the tax and who is an undivided Hindu family, an association or a club, society, firm or company or who carries on business as the guardian or trustee or otherwise on behalf of another person, shall within the prescribed period send to the prescribed authority a declaration in the prescribed manner stating the name of the person who shall be deemed to be the manager of such dealer's business for the purposes of this Act. Such declaration may be revised from time to time.

Information to be furnished regarding changes of business.

25. If any dealer to whom the provisions of this Act apply—

(*a*) sells or otherwise disposes of his business or any part of his business, or effects or comes to know of any other change in the ownership of the business, or

(*b*) discontinues his business or changes his place of business or opens a new place of business, or

(*c*) changes the name or nature of his business or effects any change in the classes of goods sold by him,

he shall, within the prescribed time, inform the prescribed authority accordingly; and if any such dealer dies, his legal representative shall, in like manner, inform the said authority.

[1] The word, figures and letter were substituted for the word and figures "section 18" by Bom. 10 of 1954, s. 16.

Tax payable by transfered of business.

26. (*1*) When the ownership of the business of a dealer liable to pay the tax is entirely transferred, any tax payable in respect of such business and remaining unpaid at the time of the transfer shall be payable by the transferee as if he were the dealer liable to pay such tax; and the transferee shall also be liable to pay tax on the sales [1][or purchases] of goods effected by him with effect from the date of such transfer and shall within thirty days of the transfer apply for registration [2]* * * unless he already holds a certificate of registration [3]* * *.

(*2*) When a dealer liable to pay the tax transfers the ownership of a part of his business the transferor shall be liable to pay the tax in respect of the stock of goods transferred along with that part of his business, which is not so transferred, as if the goods have been sold by him, unless the transferee holds a certificate of registration [2]* * * or obtains it within the prescribed period.

(*3*) (*i*) When a firm liable to pay the tax is dissolved, or

(*ii*) where an undivided Hindu family liable to pay the tax is partitioned, such firm or family, as the case may be, shall be liable to pay the tax on the goods allotted to any partner or member thereof as if the goods had been sold to such partner or member unless he holds a certificate of registration [3]* * * or obtains it within the prescribed period.

(*4*) When a dealer to whom a part of the business has been transferred, or who has obtained the whole or part of the stock relating to the business of a partnership which has been discontinued or dissolved, or an undivided Hindu family which is partitioned, obtains a certificate of registration [3]* * * he shall be liable to pay the tax on the turnover in respect of sales [1][or purchases] of goods made by him with effect from the date of such transfer of business, discontinuance or dissolution of the partnership, or the partition of the family, as the case may be.

CHAPTER VII.

Proceedings.

Power of Collector to determine disputes.

27. If any question arises otherwise than in a proceeding before a court whether or not, for the purposes of this Act,—

(*a*) any person, society, club or association, firm or any branch or department of any firm is a dealer,

(*b*) any transaction is a sale or purchase,

(*c*) any particular dealer is liable to registration [4]* * *, or

(*d*) any tax is payable in respect of any particular sale or purchase,

the Collector shall make an order determining such question :

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[1] These words were inserted, by Bom. 10 of 1954, s. 17 (*1*).
[2] The words " or licence, as the case may be " were deleted, *ibid*, s. 17 (*2*).
[3] The words " or a licence, as the case may be " were deleted, *ibid*.
[4] The words " or required to take a licence " were deleted, *ibid*, s. 18 (*1*).

Provided that the Collector may in any such order direct that any such determination shall not affect the liability of any [1][person] under this Act in respect of any sale [2][or purchase] effected prior to the date of any such determination :

Provided further that if any such question arises from any order already passed under this Act, no proceeding shall be entertained for the determination under this section, but such question may be raised in any appeal or application for revision against such order, which lies under section 30 or 31.

Powers of Tribunal and Collector.

28. [3][(*1*) For the purposes of this Act the Tribunal and the Collector shall have the same powers] as are vested in courts in respect of—

(*a*) proof of facts by affidavits ;

(*b*) summoning and enforcing the attendance of any person and examining him on oath ;

(*c*) compelling the production of documents ; and

(*d*) issuing commissions for the examination of witnesses ;

(*2*) [4][In the case of] any affidavit made for the purposes of this Act, any officer appointed by the Tribunal or the Collector may administer the oath to the deponent.

Bar to certain proceedings.

29. Save as is provided by section 34, no assessment made and no order passed under this Act or the rules made thereunder by the Collector or any person appointed under section 3 to assist him shall be called into question in any civil court, and save as is provided by sections 30 and 31 no appeal or application for revision shall lie against any such assessment or order.

Appeal.

30. (*1*) Within sixty days from the making of an order of assessment either with or without penalty or the passing of any other order under this Act, any person may, in the prescribed manner, appeal to the prescribed authority against such order :

Provided that no appeal against an order of assessment, with or without penalty, shall be entertained by the said authority unless it is accompanied by satisfactory proof of the payment of the tax, with penalty, if any, in respect of which the appeal has been preferred :

Provided further that the said authority may, if it deems fit, for reasons to be recorded in writing, entertain an appeal against such order without payment of the amount of the tax including penalty, if any, or on proof of payment of such smaller amount as it may direct.

(*2*) Subject to such rules of procedure as may be prescribed, the said authority may pass such orders on the appeal as such authority may think fit.

(*3*) Every order passed in appeal under this section shall, subject to the provisions of sections 31, 34 and 35, be final.

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[1] This word was substituted for the word " dealer, " by Bom. 10 of 1954, s. 18 (*2*).
[2] These words were inserted, *ibid*, s. 18 (*2*).
[3] This portion was substituted for the original, *ibid*, s. 19 (*1*).
[4] These words were substituted for the words " in the case of ", *ibid*, s. 19 (*2*).

Revision.

31. (*1*) Subject to such rules as may be prescribed and for reasons to be recorded in writing, the Collector may, upon application or of his own motion, revise any order passed under this Act or the rules thereunder by a person appointed under section 3 to assist him, and , subject as aforesaid the Tribunal may, upon application, revise any order passed by the Collector :

Provided that no application under this sub-section shall be entertained if it is not made within a period of four months from the date of the order :

Provided further that before rejecting any application for the revision of any such order the Collector or the Tribunal, as the case may be, shall record reasons for such rejection.

(*2*) Before any order is passed under this section which is likely to affect any person adversely, such person shall be given a reasonable opportunity of being heard.

(*3*) Where a person could have appealed under section 30, and no appeal has been filed by him, no proceedings in revision under this section shall be entertained upon the application of such person.

Application of sections 4 and 12 of Limitation Act, IX of 1908.

32. In computing the period laid down under sections 30 and 31 the provisions of sections 4 and 12 of the Indian Limitation Act, 1908, so far as may be, shall apply. IX of 1908.

Extension of period of limitation in certain cases.

33. The prescribed authority may admit any appeal under section 30 and the Collector and the Tribunal may admit an application under section 31, after the period of limitation laid down in the said sections if the appellant or the applicant, as the case may be, satisfies the prescribed authority, the Collector or the Tribunal, as the case may be, that he had sufficient cause for not preferring the appeal or making the application within such period.

Statement of case to High Court.

34. (*1*) Within ninety days from the passing by the Tribunal of any order under sub-section (*2*) of section 30 or sub-section (*1*) of section 31 affecting any liability of any person to pay the tax, such person or the Collector may, by application in writing accompanied where the application is made by any person (other than the Collector) by a fee of one hundred rupees, require the Tribunal to refer to the High Court any question of law arising out of such order, and where the Tribunal agrees it shall draw up a statement of the case and refer it to the High Court.

(*2*) If, for reasons to be recorded in writing, the Tribunal refuses to make such reference, the applicant may within thirty days of such refusal, either—

(*a*) withdraw his application, or

(*b*) apply to the High Court against such refusal

and in the case of withdrawal under clause (*a*), the fee, if any, paid under sub-section (*1*) shall be refunded to him.

(*3*) If upon the receipt of an application under clause (*b*) of sub-section (*2*), the High Court is not satisfied that such refusal was justified, it may require the Tribunal to state a case and refer it to the High Court and on receipt of such requisition the Tribunal shall state and refer the case accordingly.

(*4*) If the High Court is not satisfied that the statements in a case referred under this section are sufficient to enable it to determine the question raised thereby, it may refer the case back to the Tribunal to make such additions thereto or alterations therein as the High Court may direct in that behalf.

(*5*) The High Court upon the hearing of any such case shall decide the question of law raised thereby, and shall deliver its judgment thereon containing the grounds on which such decision is founded, and shall send to the Tribunal a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Tribunal shall dispose of the case accordingly.

(*6*) Where a reference is made to the High Court under this section, the costs [including the disposal of the fee referred to in sub-section (*1*)] shall be in the discretion of the Court.

(*7*) The payment of the amount, if any, of the tax due in accordance with the order of the Tribunal in respect of which an application has been made under sub-section (*1*) shall not be stayed pending the disposal of such application or any reference made in consequence thereof, but if such amount is reduced as the result of such reference the excess tax paid shall be refunded in accordance with the provisions of section 19.

Rectification of mistakes.

35. (*1*) The Collector may at any time within two years from the date of any order passed by him, on his own motion, rectify any mistake apparent from the record and shall within a like period rectify any such mistake which has been brought to his notice by [1][any person affected by such order]:

Provided that no such rectification shall be made if it has the effect of enhancing the tax or reducing the amount of a refund unless the Collector has given notice in writing to [2][such person] of his intention so to do and has allowed [2][such person] a reasonable opportunity of being heard.

(*2*) The provisions of sub-section (*1*) shall apply to the rectification of a mistake by the Tribunal or the prescribed authority under section 30 as they apply to the rectification of a mistake by the Collector.

(*3*) Where any such rectification has the effect of reducing the amount of the tax, the Collector shall in the prescribed manner refund any amount due to [2][such person].

(*4*) Where any such rectification has the effect of enhancing the amount of the tax or reducing the amount of the refund, the Collector shall recover the amount due from [2][such person] in the manner provided for in section 16.

Chapter VIII.

Offences and Penalties.

Offences and Penalties.

36. Whoever—

(*a*) carries on business as a dealer without applying for registration [3]* * * * * * in contravention of [4][section 11 or 26]; or

(*b*) fails without sufficient cause, to furnish any return or statement as required by section 13 or 18 or knowingly furnishes a false return or statement; or

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[1] These words were substituted for the words "a dealer" by Bom. 10 of 1954, s. 20 (*1*).
[2] These words were substituted for the words "the dealer" *ibid*, s. 20 (*2*).
[3] The words "or grant or renewal of licence" were deleted, *ibid*, s. 21 (*1*) (*i*).
[4] This words and figures were substituted for the words and figures Section 9, 12 or 26", *ibid*, s. 21 (*1*) (*ii*).

[1][(*c*) not being a registered dealer under section 11 falsely represents that he is or was a registered dealer at the time when he sells or sold any goods;

(*ca*) not holding a licence under section 12 falsely represents that he is or was holding such licence when he purchases or purchased any goods;

(*cb*) not holding an authorization under section 12A falsely represents that he is or was holding such authorization when he purchases or sells or purchased or sold any goods;]

(*d*) contravenes the provisions of sub-section (*1*), [2][(*2*), (*2A*) or (*3*)] of section 21; or

(*e*) fails to keep a true account of the value of the goods bought and sold by him as required by section 22, or fails, when directed so to do under that section to keep any accounts or records in accordance with the direction; or

(*f*) fails to comply with any requirement made of him under section 23; or

(*g*) knowingly produces incorrect accounts, registers or documents, or knowingly furnishes incorrect information; or

(*h*) obstructs any officer making an inspection, a search or a seizure under section 23; or

(*i*) neglects to furnish any information required by section 25; or

(*j*) aids or abets any person in the commission of any act specified in clauses (*a*) to (*i*);

shall, in addition to the recovery of any tax that may be due from him, be punishable with simple imprisonment which may extend to six months or with fine not exceeding two thousand rupees or with both; and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence.

Cognizance of offences.

37. (*1*) No court shall take cognizance of any offence punishable under section 36 or under any rules made under this Act, except with the previous sanction of the Collector and no Court inferior to that of a Magistrate of the Second Class shall try any such offence.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, V of 1898. 1898, all offences punishable under this Act or rules made thereunder shall be cognizable and bailable.

Investigation of offences.

38. (*1*) Subject to such conditions as may be prescribed, the Collector may authorise any persons appointed under section 3 to assist him to investigate all offences punishable under this Act.

(*2*) Every person so authorised shall, in the conduct of such investigation, exercise the powers conferred by the Code of Criminal Procedure, 1898, upon V of 1898. an officer in charge of a police station for the investigation of a cognizable offence.

[1] This portion was substituted for clause (*c*) by Bom. 10 of 1954, s. 21 (*2*).

[2] These brackets, figures, letter and word were substituted for the brackets, figures and word "(2) or (3)", *ibid*, s. 21 (*3*).

Compounding of offences.

39. (*1*) The Collector may, either before or after the institution of proceedings for any offence punishable under section 36 or under any rules made under this Act, accept from any person charged with such offence by way of composition of the offence a sum not exceeding two thousand rupees or where the offence charged is under clause (*a*), (*b*), (*c*), [1][(*ca*), (*cb*)] (*e*) or (*g*) of section 36, not exceeding double the amount of tax which would have been payable on the [2][sale, purchase or] turnover to which the said offence relates, whichever is greater.

(*2*) On payment of such sum as may be determined by the Collector under sub-section (*1*) no further proceedings shall be taken against the accused person in respect of the same offence.

Penalty for false declaration or cerificate or for not abiding declaration or certificate furnished.

[3][**39A.** (*1*) Where under the provisions of this Act or the rules made thereunder a person furnishes a declaration or certificate by reason of which any tax is not leviable on any sale or purchase and where such person knew or had reason to believe that such declaration or certificate was false or such person fails to abide by, or acts in contravention of, the recitals or terms of such declaration or certificate the Collector may, after giving such person a reasonable opportunity of being heard, direct him to pay by way of penalty a sum not exceeding double the amount of tax which in the opinion of the Collector would have been leviable on such sale or purchase had such declaration or certificate not been furnished.

(*2*) Any sum payable by way of penalty under this section shall, if not paid before such date as the Collector may direct, be recoverable as an arrear of land revenue.]

CHAPTER IX.

Miscellaneous.

Persons appointed under section 3 and members of Tribunal to be public servants.

40. The Collector and all persons appointed under section 3 to assist the Collector and all members of the Tribunal shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

XLV of 1860.

Indemnity.

41. No suit, prosecution or other legal proceedings shall lie against any servant of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Disclosure of information by a public servant.

42. (*1*) All particulars contained in any statement made, return furnished or accounts or documents produced in accordance with this Act, or in any record of evidence given in the course of any proceedings under this Act other than proceedings before a Criminal Court shall, save as provided in sub-section (*3*), be treated as confidential, and notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall, save as aforesaid, be entitled to require any servant of the Government to produce before it any such statement, return, account, document or record or any part thereof, or to give evidence before it in respect thereof.

I of 1872.

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[1] These brackets and letters were inserted by Bom. 10 of 1954, s. 22.
[2] These words were substituted for the words "Sale or", *ibid.*, s. 22.
[3] Section 39-A was inserted, *ibid.*, s. 23.

(*2*) If, save as provided in sub-section (*3*), any servant of the Government discloses any of the particulars referred to in sub-section (*1*), he shall, on conviction, be punished with imprisonment which may extend to six months or with fine or with both.

(*3*) Nothing in this section shall apply to the disclosure of any of the particulars referred to in sub-section (*1*), (*a*) for the purposes of a prosecution under the Indian Penal Code, in respect of any statement, return, accounts, document or evidence or for the purposes of a prosecution under this Act, or (*b*) to any authority acting in exercise of the powers conferred by the Indian Income-tax Act, 1922, where it is necessary to disclose the same to such authority for the purpose of the said Act, or (*c*) to any authority acting in exercise of the powers conferred on it by any law of a State imposing a tax on the sale or purchase of goods where it is necessary to disclose the same to such authority for the purposes of the said law. XLV of 1860. XI of 1922.

Appearance before any authority in proceedings.

43. Any person, who is entitled to attend before any authority in connection with any proceedings under this Act, may attend before the authority—

(*a*) by a person authorised by him in this behalf being his relative or a person regularly employed by him, or

(*b*) by a legal practitioner, or

(*c*) subject to such conditions as may be prescribed, by an accountant or sales tax practitioner who possesses the prescribed qualifications.

Delegation of powers and duties and transfer of proceedings.

44. (*1*) Subject to such conditions and restrictions as the State Government may by general or special order impose, the Collector may, by order in writing, delegate any of his powers and duties under this Act to any persons appointed under section 3 to assist him.

(*2*) The Collector may transfer any proceeding or class of proceedings under any provision of this Act from himself to any person to whom he has delegated his powers and duties in respect thereof, and he may likewise transfer any such proceeding (including a proceeding already transferred under this sub-section) from one such person to another to whom the said powers and duties have been delegated or to himself.

Power to make rules.

45. (*1*) The State Government may make rules for carrying out the purposes of his Act.

(*2*) In particular and without prejudice to the generality of the foregoing power [1][such rules may provide for]—

(*a*) the period for return of goods under [2][clauses (19A) and (20)] of section 2 ;

(*b*) the qualifications to be possessed by a member of the Tribunal ;

(*c*) the further period after the date of expiry of the year referred to in sub-section (*3*) of section 5 [3]* * * * * ;

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[1] These words were substituted for "such rules may prescribe" by Bom. 10 of 1954, s. 24 (*1*).

[2] These words, brackets, figures and letter were substituted for the word, brackets and figures "clause (20)", *ibid*, s. 24(*2*).

[3] The words "and sub-section (*4*) of section 10" were deleted, *ibid*, s. 24 (*3*).

[1][(*d*) the forms of certificates to be furnished under section 9;

(*da*) the manner in which the goods shall be used in the manufacture or processing of any goods for sale for the purpose of section 9 or 10C or sub-section (*2*) of section 18B;

(*db*) the form and manner in which and the period within which an application making election under section 10A shall be made;

(*e*) the form of declaration to be furnished under section 10C;]

(*f*) the period within which, the manner in which and the authority to which application for registration shall be made under [2][section 11];

(*g*) the procedure for, and other matters incidental to, the registration of dealers and the granting of certificates of registration, and the form of such certificates under [3][section 11] and the manner in which applications for cancellation of registration shall be made, and the date from which cancellation of registration shall take effect, under sub-section (*6*) of that section [4][and the period under sub-section (*7*) of the said section];

[5][(*h*) further requirements under section 12 and the manner and form in which and the conditions subject to which a licence shall be granted under that section;]

[6][(*i*) further requirements under section 12A and the manner and form in which and the conditions subject to which an authorization shall be granted under that section;]

(*k*) the returns to be furnished under section 13 and the dates by which, and the authority to which, such returns shall be furnished and the terms and conditions for purposes of the proviso to sub-section (*1*) of the said section 13

(*l*) procedure to be followed for assessment under section 14;

(*m*) the intervals at which, and the manner in which, the tax shall be payable [7][and the conditions subject to which penalty may be remitted,] under section 16;

(*n*) the [8][form of statement], the manner in which, the authority to which and the period within which such [9]* * * statement shall be submitted under section 18;

[10][(*na*) the circumstances in which and the conditions subject to which the Collector may permit a dealer to pay a lump sum by way of composition under section 18A and the manner of determining such sum;

(*nb*) any of the matters specified in section 18B;]

(*o*) the manner in which refunds under section 19 shall be made;

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[1] These clauses were substituted for clauses (*d*) and (*e*), by Bom. 10 of 1954, s. 24 (*4*).
[2] This was substituted for "section 9," *ibid*, s. 24 (*5*).
[3] This was substituted for "section 9," *ibid*, s. 24 (*6*).
[4] These words were inserted, *ibid*.
[5] This clause was substituted for the original, *ibid*, s. 24 (*7*).
[6] This clause was substituted for clauses (*i*) and (*j*), *ibid*, s. 24, (*8*).
[7] These words were inserted, *ibid*, s. 24 (*9*).
[8] These words were substituted for the words "forms of certificate and statement," *ibid*, s. 24 (*10*).
[9] The words "certificate and" were deleted, *ibid*.
[10] These clauses were inserted, *ibid*, s. 24 (*11*).

(*p*) conditions subject to which tax may be remitted under section 20;

[1][(*q*) the particulars under sub-section (*3*) of section 21 and the period within which the amount of the tax collected shall be paid into a Government Treasury under sub-section (*4*) of that section;]

(*r*) the accounts and forms thereof required by the Collector to be kept under sub-section (*1*) of section 22 and the conditions or restrictions subject to which the accounts shall be maintained under sub-section (*2*) of said section 22;

(*s*) the conditions subject to which the production of accounts or documents or the furnishing of information may be required under section 23;

(*t*) the period within which, the authority to which and the manner in which a declaration shall be sent under section 24;

(*u*) the authority to which, and the time within which, information shall be furnished under section 25;

(*v*) the period within which a certificate of registration [2]* * shall be obtained under sub-section (*2*) or sub-section (*3*) of section 26;

(*w*) the manner in which, and the authority to which, an appeal against any order under this Act may be preferred under section 30;

(*x*) the procedure for, and other matters (including fees) incidental to, the disposal of appeals and applications for revision under sections 30 and 31;

(*y*) the conditions and the qualifications for the purposes of clause (*c*) of section 43;

(*z*) the manner in which, and the time within which, the applications shall be made, information furnished and notices served, under this Act;

(*za*) any other matter which is required to be or may be prescribed.

(*3*) In making any rule the State Government may direct that a breach thereof shall be punishable with fine not exceeding two thousand rupees, and when the offence is a continuing one, with a daily fine not exceeding one hundred rupees during the continuance of the offence.

(*4*) Rules made under this section shall be subject to the condition of previous publication:

Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section and the rule so made shall be laid on the table of both the Houses of the State Legislature.

Modifications in application of Act to district of Amreli.

[3][**45A.** In the application of this Act to the district of Amreli, the following provisions shall be construed subject to the following modification, namely:—

(*1*) in Schedule A, after entry 42, the following shall be added, namely:—

'43. Cotton seeds.

44. Oilseeds from which edible oil is extracted.

45. Raw cotton (whether ginned or unginned).

46. Sesame (tal) oil and groundnut oil when sold without being hydrogenated.';

[1] This clause was substituted for the original, by Bom. 10 of 1954, s. 24 (*12*).
[2] The words "or licence" were deleted, *ibid*, s. 24 (*13*).
[3] This section was inserted, *ibid*, s. 25.

(*2*) in Schedule B—

(*i*) entries 1 and 2 relating to raw cotton (whether ginned or unginned) and cotton seeds, respectively shall be deleted;

(*ii*) in entry 5, in column 1 for the word 'Oilseeds' the words 'Oilseeds from which non-edible oils are extracted' shall be substituted;

(*iii*) in entry 14, in column 1, for the words and figures 'entry 14' the words and figures 'entries 14 and 46' shall be substituted;

(*iv*) after entry 22 the following entry shall be inserted, namely:—

'22A. The following grocery articles (Kairana), namely:— dhana, jeera, rai, methi, hing, kharo, including their powders and kokam.	Three pies in the rupee.	Nil.	Three pies in the rupee.';

(*v*) in entry 79, for the words 'fifteen pies' occurring against it in columns 2 and 4, the words 'six pies' shall be substituted:

Provided that the State Government may, by notification in the *Official Gazette*, direct that all or any of the aforesaid modifications or any part thereof shall cease to apply to the district of Amreli with effect from such date as may be specified in the notification.]

[2][Certain sales and purchases not to be liable to tax].

46. Nothing in this Act or the rules made or deemed to have been made thereunder shall be deemed to [1]* * * * * impose or authorise the imposition of a tax on any sale or purchase of any goods, where such sale or purchase takes place—

(*a*) (*i*) outside the State of Bombay; or

(*ii*) in the course of the import of the goods into the territory of India, or the export of the goods out of such territory; or

(*b*) in the course of inter-State trade or commerce, except in so far as Parliament may by law otherwise provide,

and the provisions of this Act and the said rules shall be read and construed accordingly.

Explanation.—For the purposes of clause (*a*)(*i*), a sale or purchase shall be deemed to have taken place in the State in which the goods have actually been delivered as a direct result of such sale or purchase for the purpose of consumption in that State, notwithstanding the fact that under the general law relating to sale of goods the property in the goods has by reason of such sale or purchase passed in another State.

Temporary provision excluding certain sales from taxable turnover.

47. In assessing or re-assessing under section 14 or 15 the amount of tax due from any dealer for the year ending on the 31st day of March 1953, any sale made during the period commencing from the first day of November 1952 and ending on the date immediately prior to the date on which the Bombay Sales Tax (No. 2) Ordinance, 1952, was promulgated in respect of which no amount has been charged, collected, received or agreed to be paid by way of a tax on such sale or by way of deposit or otherwise in respect of such tax, shall not be included in the taxable turnover of such dealer.

Bom. Ordinance No. III of 1952.

[1] The words "to apply to any sale or purchase of any goods, or" were deleted, by Bom. 10 of 1954, s. 26(*1*).

[2] This marginal note was substituted for original, *ibid*, s. 26(*2*).

Repeal of Bom. V of 1946.

48. (*1*) The Bombay Sales Tax Act, 1946, and all the entries relating to that Act as specified in the Third Schedule to the Bombay Merged States (Laws) Act, 1950 (hereinafter referred to in this section as "the said Act and the said entries") are hereby declared to have been in force as amended by the Bombay Sales Tax (No. 1) Ordinance, 1952, up to the first day of November 1952 and shall be deemed to have been repealed from the said date notwithstanding anything contained in section 47 of the Bombay Sales Tax Act, 1952, and in section 49 of this Act and notwithstanding the said Ordinance ceasing to operate. Bom. V of 1946. Bom. IV of 1950. Bom. Ordinance No. II of 1952. Bom. XXIV of 1952.

(*2*) Notwithstanding the repeal of the said Act and the said entries, the said repeal shall not affect or be deemed to affect—

(*i*) any right, title, obligation or liability already acquired, accrued or incurred;

(*ii*) any legal proceeding pending on the 1st day of November 1952 in respect of any right, title, obligation or liability or anything done or suffered before the said date; and any such proceeding shall be continued and disposed of, as if this Act had not been passed;

(*iii*) the recovery of any tax or penalty which may have become payable under the said Act and the said entries before the said date; and all such taxes or penalties or arrears thereof shall be assessed, imposed and recovered, so far as may be, in accordance with the provisions of this Act.

Repeal of Bom. Ordinance No. III of 1952.

49. (*1*) The Bombay Sales Tax (No. 2) Ordinance, 1952, is hereby repealed : Bom. Ordinance No. III of 1952.

Provided that the repeal hereby made shall not affect or be deemed to affect—

(*i*) any right, title, obligation or liability already acquired, accrued or incurred or anything done or suffered,

(*ii*) any legal proceeding or remedy in respect of any such right, title, obligation or liability,

(*iii*) the assessment, levy or recovery of any tax or the imposition or recovery of any penalty,

under the provisions of the Ordinance hereby repealed and any such proceeding may be instituted, continued and disposed of and any such remedy may be enforced and any such tax may be assessed, levied and recovered and any such penalty may be imposed and recovered in accordance with the provisions of this Act.

(*2*) Any appointment, notification, notice, order, rule, regulation or form made or issued or deemed to have been made or issued under the Ordinance hereby repealed shall continue in force and be deemed to have been made or issued under the provisions of this Act, in so far as such appointment, notification, notice, order, rule, regulation or form is not inconsistent with the provisions of this Act, unless it has been already, or until it is superseded by an appointment, a notification, notice, order, rule, regulation or form made or issued under this Act.

Bom. XXIV of 1952. Bom. XXX of 1953.

[1][50. (*1*) The Bombay Sales Tax Act, 1952, and the Bombay Sales Tax Act, 1952 (Suspension) Act, 1953, are hereby repealed. Repeal of Bom. XXIV of 1952 and Bom. XXX of 1953.

Bom. XXIV of 1952.

(*2*) For the avoidance of doubts it is hereby declared that the repeal of the Bombay Sales Tax Act, 1952, hereby effected shall not affect or be deemed to affect—

(*i*) any right, title, obligation or liability acquired, accrued or incurred or anything done or suffered ;

(*ii*) any legal proceeding or remedy in respect of any such right, title, obligation or liability, assessment, levy or recovery of any tax or the imposition or recovery of any penalty under the provisions of the said Act ;

and any such proceeding may be instituted, continued or disposed of and any such remedy enforced and any such tax may be assessed, levied and recovered and any such penalty may be imposed and recovered in accordance with the provisions of this Act.

Bom. XXIV of 1952.

(*3*) Any appointment, notification, notice, order, rule, regulation or form made or issued under the Bombay Sales Tax Act, 1952, shall continue in force unless it has been already or until it is superseded by an appointment, notification, notice, order, rule, regulation or form made or issued under this Act.]

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[2][SCHEDULE A.

(*See* section 7.)

Goods, the sale or purchase of which is free from all taxes.

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
1	Agricultural implements worked or operated exclusively by human or animal agency of the following kinds: Chaff-cutters, clod crushers, harrows, iron and leather mhots, iron ploughs and plough points, pick-axes, rahats, shovels, sickles, spades and wooden seed drills.	
2	Betel leaves	.....
3	Bread	.....
4	Butter-milk and curds	.....
5	Cattle, sheep and goats	.....
6	Cattle-feeds including fodder and other concentrates but excluding cotton seed.	.....

[1] This section was inserted by Bom. 10 of 1954, s. 27.
[2] Schedules A and B were substituted for Schedules I and II by Bom. 10 of 1954, s. 28.

SCHEDULE A—*contd.*

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
7	Cereals and pulses in all forms	Except when sold in sealed containers.
8	Charkha and other implements used in the production of handspun yarn or handwoven cloth as may be specified by the State Government by notification in the *Official Gazette*.	.....
9	Chillies, chilly powder, tamarind and turmeric, whole or powdered.	Except when sold in sealed containers.
10	Cloth woven on handlooms sold at a rate not exceeding Rs. 2-0-0 per yard.	.....
11	Clothes and other articles of khaddar	When sold by a dealer recognised for this purpose by the Collector of Sales Tax.
12	Coal gas	When sold by a gas supply company to a local authority for consumption by such local authority for purpose of street lighting.
13	Cotton yarn and cotton thread	.....
14	Edible oils manufactured in ghanis by human or animal agency.	When sold by such owners of ghanis or such co-operative societies of such owners, or such institutions devoted to the promotion of village industries as have been recognised for this purpose by the Collector of Sales Tax.
15	Eggs	.....
16	Electrical energy	.....
17	Fertilizers	.....
18	Firewood and charcoal	.....
19	Fish	Except when sold in sealed containers.
20	Flour including atta, maida, suji and bran	Do. do.
21	Flowers	.....

SCHEDULE A—*contd.*

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
22	Food and non-alcoholic drinks consumed at a hotel, restaurant, refreshment room, eating house or other place where such food and drinks are served.	Except when the cost of food and drinks consumed at one time by one person exceeds rupee one.
23	Fresh fruits	.....
24	Fresh vegetables and edible tubers	.....
25	Glass bangles sold at a rate not exceeding annas 2 each ..	.....
26	Gur	.....
27	Handmade paper	When sold by such producers of handmade paper as have been recognised for this purpose by the Collector of Sales
28	Kerosene	
29	Khaddar	When sold by dealers recognised for this purpose by the Collector of Sales Tax.
30	Kum-kum	
31	Mangalsutra with black glass beads sold at a rate not exceeding Rs. 5 each.	
32	Manures including oil cakes	
33	Meat	Except when sold in sealed containers.
34	Milk, whole or separated	
35	Motor spirit, meaning— (*a*) any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbons) which is capable of being used for providing reasonably efficient motive power for any form of motor vehicle, and (*b*) power alcohol, that is, ethyl alcohol of any grade (including such alcohol when denatured or otherwise treated) which either by itself or in admixture with any such hydro-carbon, is capable of being used as aforesaid; but not including diesel oil or any other form of inflammable hydro-carbon material which the State Government may, by notification in the *Official Gazette* specify in this behalf.	

SCHEDULE A—*contd.*

Serial No.	Description of goods.	Conditions and exceptions subject to which exemption has been granted.
	1	2
36	Periodical journals published at intervals not exceeding one month.	....
37	Salt	....
38	Slates and slate pencils; chalk sticks and crayons; foot-rules ; exercise and drawing books and lead pencils; and mathematical and drawing instrument boxes used by primary and secondary school students.	.. ..
39	Stamp paper sold by vendors duly authorised under the provisions of the Indian Stamp Act, 1899.	.. ..
40	Sugar cane	....
41	Text-books, books for supplementary reading and school atlases sanctioned by the State Government, Director of Education for the State of Bombay, the Educational Inspectors of Divisions or the Secondary School Certificate Examination Board or approved by Bombay Municipa Schools Committee.	....
42	Water, other than aerated and mineral waters ..	....

SCHEDULE B.

(*See* sections 8, 9 and 10.)

Goods, the sale or purchase of which is subject to tax and the rates of taxes.

Serial No.	Description of goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
1	Raw cotton (whether ginned or unginned) ..	Nil.	One per cent.	One per cent.
2	Cotton seeds	Nil.	Do.	Do.
3	Artificial silk yarn	Nil.	Three pies in the rupee.	Three pies in the rupee.
4	Hides and skins	Nil.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
5	Oilseeds	Nil.	Three pies in the rupee.	Three pies in the rupee.
6	Raw silk and silk yarn	Nil.	Do.	Do.
7	Raw wool, wool tops and woollen yarn (other than knitting yarn).	Nil.	Do.	Do.
8	Staple fibre and staple fibre yarn	Nil.	Do.	Do.
9	Agricultural machinery and implements including parts of such machinery and implements. (Except such agricultural implements as are declared tax-free under entry 1 of Schedule A).	Nil.	Six pies in the rupee.	Do.
10	Cloth woven on handlooms (except such cloth as is declared tax-free under entries 10 and 29 of Schedule A).	Nil.	Do.	Do.
11	Coarse and medium cotton cloth made in mills or woven on powerlooms. *Explanation 1.*—'Coarse cloth' means any cloth in which the count of warp yarn employed (excluding the border) is below 17s (whether single or folded). *Explanation 2.*—'Medium cloth' means any cloth in which the count of warp yarn employed (excluding the border) is 17s or finer but is less than 35s (whether single or folded). *Explanation 3.*—'Cotton cloth' means any cloth in which the proportion of cotton yarn is not less than 98 per cent.	Nil.	Do.	Do.
12	Coke and other derivatives of coal	Nil.	Do.	Do.
13	Dried fruits (including cocoanuts) and dried vegetables, vegetable and flower seeds, bulbs and plants excluding orchids. *Except*— (i) any medicine prepared from any one or more of such articles, and (ii) when any such article is sold in sealed containers.	Nil.	Do.	Do.
14	Edible oils (except such oils as are declared as tax-free under entry 14 of Schedule A).	Nil.	Do.	Do.
15	Iron and steel	Nil.	Do.	Do.
16	Jute seeds, raw jute, sun-hemp and mesta	Nil.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
17	Milk products including butter, ghee, chana and khoa (except sweetmeats and excepting butter-milk and curds declared as tax-free under entry 4 of Schedule A).	Nil.	Six pies in the rupee.	Three pies in the rupee.
18	Petroleum and petroleum products (except kerosene and motor spirit declared as tax-free under entries 28 and 35 of Schedule A).	Nil.	Do.	Do.
19	Betel nuts	Three pies in the rupee.	Nil.	Do.
20	Books and periodical journals except such text-books and journals as are declared tax-free under entries 36 and 41 of Schedule A, and other than account books, diaries, calendars, and books containing space exceeding eight pages for being written up (not being exercise books).	Do.	Nil.	Do.
21	Coal	Do.	Nil.	Do.
22	Safety matches (excluding matches used at fire-works).	Do.	Nil.	Do.
23	Bullion and specie	One-fourth per cent.	One-fourth per cent.	One-fourth per cent.
24	Articles made of gold and silver (of fineness not less than 75 per cent.) not containing any precious stones, synthetic or artificial precious stones, or pearls, real, artificial or cultured.	Do.	Three pies in the rupee.	Do.
25	Aerated waters and all non-alcoholic beverages including fruit juices, squashes, syrups and cordials when sold in sealed or capsuled and corked bottles or jars.	Six pies in the rupee.	Six pies in the rupee.	Six pies in the rupee.
26	(*i*) Bangles, bottle caps and buttons made of plastics when sold at a rate not exceeding annas 2 each.	Do.	Do.	Do.
	(*ii*) Other articles made of plastics sold at a rate not exceeding annas 12 each or when sold by length at a rate not exceeding annas 12 per yard.	Do.	Do.	Do.
27	Bicycles, tandem cycles and cycle combinations.	Do.	Do.	Do.
28	Cakes, biscuits and pastries	Do.	Do.	Do.
29	Cement	Do.	Do.	Do.
30	Cigarettes and cigarette tobacco	Do.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of Goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
31	Cloth including saris, dhotis, sheets, chaddars, blankets and other similar articles (other than (*i*) cloth woven on hand-looms and (*ii*) coarse and medium cotton cloth woven in mills or on powerlooms), when not falling under entry 79.	Six pies in the rupee.	Six pies in the rupee.	Six pies in the rupee.
32	Foodstuffs and food provisions of all kinds, including raw, semi-cooked, semi-processed or ready-to-serve foods, and including pickles, sauces, jams, marmalades, jellies, preserved fruits and honey; when such goods are sold in sealed containers of weight not exceeding five seers in each container; but except fresh milk, whole or separated, milk products (including butter, ghee, chana and khoa but excluding sweet-meats) edible oils, gur and salt.	Do.	Do.	Do.
33	Hydrogenated vegetable oils including vanaspati.	Do.	Do.	Do.
34	Ice	Do.	Do.	Do.
35	Jewellery, precious stones, synthetic or artificial precious stones and pearls real, artificial or cultured not being articles falling under entry 24.	Do.	Do.	Do.
36	Paints, lacquers and varnishes	Do.	Do.	Do.
37	Sugar	Do.	Do.	Do.
38	Sweets, sweetmeats, toffees and chocolates ..	Do.	Do.	Do.
39	Toilet articles except such articles as may be specified by the State Government by notification in the *Official Gazette*.	Do.	Do.	Do.
40	Zari thread and embroidery materials of gold, silver or gilded metal (except badla and kasab) when sold at a rate not less than annas 8 per tola.	Do.	Do.	Do.
41	All arms including rifles, revolvers, pistols, and ammunition for the same.	Twelve pies in the rupee.	Do.	Twelve pies in the rupee.
42	All clocks, time-pieces and watches ..	Do.	Do.	Do.
43	Articles made of glass, china or porcelain adapted for domestic use when sold at a rate not less than one rupee per piece. *Explanation.*—(*i*) One cup and saucer and (*ii*) any vessel and its lid sold together shall be deemed as one piece, but not a set of cups and saucers, plates, or dishes, etc.	Do.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of Goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
44	Articles made of ivory, sandalwood or black wood or inlaid therewith, and ornamental metalware (not being articles falling under entry 24), when sold at a rate not less than rupees two per piece.	Twelve pies in the rupee.	Six pies in the rupee	Twelve pies in the rupee.
45	(*i*) Articles made of plastics other than those specified in entry 26.	Do.	Do.	Do.
	(*ii*) Plastic sheets and fabrics and articles made of such sheets or fabrics other than those specified in entry 26.	Do.	Do.	Do.
46	Binoculars and opera glasses . ..	Do.	Do.	Do.
47	(*i*) Braids, borders, laces and trimmings when sold at a rate not less than annas 8 per tola or when sold by length at a rate not less than annas 8 per yard.	Do.	Do.	Do.
	(*ii*) Articles for personal wear which have been embroidered or otherwise decorated sold at a rate not less than rupees two per article.	Do.	Do.	Do.
48	Cigarette cases and lighters ...	Do.	Do.	Do.
49	Cigars, cheroots and pipe tobacco other than hooka tobacco.	Do.	Do.	Do.
50	Cinematographic equipment including cameras, projectors and sound recording and reproducing equipment; lenses and films required for use therewith.	Do.	Do.	Do.
51	Dictaphone and other similar apparatus for recording sound.	Do.	Do.	Do.
52	Domestic electrical appliances other than torches, tourch cells and filament lighting bulbs.	Do.	Do.	Do.
53	Fireworks	Do.	Do.	Do.
54	Foamed rubber sheets, cushions, pillows, mattresses and other articles.	Do.	Do.	Do.
55	Foreign liquor as defined in clause (17) of section 2 of the Bombay Prohibition Act, 1949, read with the proviso thereto.	Do.	Do.	Do.
56	Fountain pens, stylograph pens and propelling pencils, sold at a rate not less than rupees five each.	Do.	Do.	Do.
57	Furniture when sold at a rate not less than rupees one hundred per piece and not falling under entries 62 and 77.	Do.	Do.	Do.

SCHEDULE B—*contd.*

Serial No.	Description of Goods.	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
58	Furs and skins (other than those of cattle, sheep and goats) and articles of personal or domestic use made therefrom.	Twelve pies in the rupee.	Six pies in the rupee.	Twelve pies in the rupee.
59	Gold and silver filigree ..	Do.	Do.	Do.
60	Gramophones and records ..	Do.	Do.	Do.
61	(*i*) Hosiery and knitted wear when sold at a rate not less than Rs. 3 per article.	Do.	Do.	Do.
	(*ii*) Ready-made garments of such sizes as may be specified by the State Government by notification in the *Official Gazette* when sold at a rate not less than Rs. 5 per piece.	Do.	Do.	Do.
	(*iii*) Ready-made garments of other sizes when sold at a rate not less than Rs. 10 per piece.	Do.	Do.	Do.
62	Iron and steel safes, almirahs and furniture...	Do.	Do.	Do.
63	Ladies' handbags and vanity bags sold at a rate not less than rupees five each.	Do.	Do.	Do.
64	(*i*) Motor vehicles including motor cars, motor taxicabs, motor cycles and cycle combinations, motor scooters, motorettes, motor omnibuses, motor vans and motor lorries.	Do.	Do.	Do.
	(*ii*) Chasis of motor vehicles ..	Do.	Do.	Do.
	(*iii*) Rubber and other tyres and tubes and batteries adapted for use as parts of motor vehicles.	Do.	Do.	Do.
65	Musical instruments	Do.	Do.	Do.
66	Perfumes, depilatories and cosmetics (except hair oils).	Do.	Do.	Do.
67	Photographic and other cameras and enlargers, lenses, films and plates required for use therewith.	Do.	Do.	Do.
68	Pile carpets ..	Do.	Do.	Do.
69	Refrigerators and air conditioning plants...	Do.	Do.	Do.
70	Shoes and footwear sold at a rate not less than rupees fifteen per pair.	Do.	Do.	Do.
71	Sound transmitting equipment including telephones and loud speakers.	Do.	Do.	Do.
72	Stainless steel sheets and articles made of stainless steel other than such articles as are used as parts of industrial machinery or plant.	Do.	Do.	Do.

SCHEDULE B—*concld.*

Serial No.	Description of Goods	Rate of Sales Tax.	Rate of General Sales Tax.	Rate of Purchase Tax.
	1	2	3	4
73	Suit cases, attache cases and despatch cases sold at a rate not less than rupees twenty-five each.	Twelve pies in the rupee.	Six pies in the rupee.	Twleve pies in the rupee.
74	Table cutlery, including knives, forks and spoons.	Do.	Do.	Do.
75	Tabulating, calculating, cash registering, indexing, card punching, franking and addressing machines and Adrema machines.	Do.	Do.	Do.
76	Typewriters and duplicating and roneo machines.	Do.	Do.	Do.
77	Upholstered furniture ..	Do.	Do.	Do.
78	Wireless reception instruments and apparatus and radio gramaphones; electrical valves, accumulators, amplifiers and loud-speakers.	Do.	Do.	Do.
79	Textile fabrics of any kind including saris, dhotis, sheets, chaddars, blankets and other similar articles (except (*i*) cloth woven on handlooms and (*ii*) coarse and medium cotton cloth woven in mills or on power-looms) sold at a rate not less than Rs. 3 per yard.	Fifteen pies in the rupee.	Do.	Fifteen pies in the rupee.
80	All goods other than those specified from time to time in Schedule A and in the preceding entries.	Three pies in the rupee.	Do.	Three pies in the rupee.